

UNITED STATES DISTRICT COURT

Eastern

District of

Michigan

3

UNITED STATES OF AMERICA

Algernon Monte Moore
Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 13-30705

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

- (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a federal offense state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed - that is a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
 an offense for which the maximum sentence is life imprisonment or death.
 an offense for which a maximum term of imprisonment of ten years or more is prescribed in a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
 (3) A period of not more than five years has elapsed since the date of conviction release of the defendant from imprisonment for the offense described in finding (1).
 (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- (1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in under 18 U.S.C. § 924(c).
 (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- (1) There is a serious risk that the defendant will not appear.
 (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence a preponderance of the evidence that

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Date

11/4/2013

Signature of Judge

U.S. Magistrate Judge Mona K. Majzoub

Name and Title of Judge

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

Algernon Moore Order of Detention

This is a presumption case.

Defendant is a 20 year old single man with no children and is a lifetime resident of this district. He and his younger brother have lived with his grandmother on Ohio Street in Detroit for most of their lives. Defendant's mother is deceased and his father is incarcerated. Defendant is unemployed and has no employment history. He receives \$703 monthly in disability. Defendant is diagnosed with aplastic anemia, a blood disorder, for which he receives regular blood transfusions and takes medication.

On 10/11/13 Defendant was stopped in a car with another passenger. Marijuana was found in the car, along with two loaded pistols concealed under the carpet of the car. Both pistols had been stolen.

Defendant is charged by way of criminal complaint with Conspiracy to Possess with Intent to Distribute and to Distribute a Controlled Substance and Possession of a Firearm in Furtherance of and Act of Violence. Specifically, on 10/29/13 at 12:45 pm DPD officers were on patrol in a fully marked DPD vehicle and were investigating a narcotics complaint at 15818 Manor, a vacant home in the City of Detroit. Defendant opened the front door and was holding a shotgun which he aimed at the officers. The officers, upon seeing the gun, slammed the front door shut. Then the officers heard the sound of breaking glass from the rear of the residence. Three black males, including the Defendant, were seen fleeing from the home. The officers gave chase and ultimately apprehended the Defendant at Puritan and Manor. Defendant was searched and a white shopping bag containing 18 clear baggies of marijuana were found in Defendant's right jeans pocket. Upon returning to the residence, the officers recovered a Mossberg, model 500, 12 gauge shotgun, loaded, with 12 gauge shotgun rounds.

Defendant admitted to beginning smoking marijuana in the 8th grade and last used on October 31, 2013. Defendant has been arrested as a minor in possession of alcohol and underwent alcohol treatment classes in 2012.

Defendant's prior criminal record is notable. At age 15 he was charged with Felony Burglary, at age 17 he was charged with Felony Stolen Vehicle, and at age 18 he was charged with Breaking and Entering Building with Intent. Now he is charged in the instant case with Felony Dangerous Drugs, and Felony Weapons.

The concern is danger. Defendant is only 20 years old, but has accumulated three felony cases, each of which is more serious than the last. Defendant has six contacts with the legal system, beginning at age 15, four of which are extremely serious in nature and involve felony activities. Additionally, Defendant admits to a chronic drug habit which clearly renders him a danger to himself and others. Defendant is unemployed, has never been employed, is not enrolled in school, and has no plans for his future. He is supported by his family and receives disability payments on a monthly basis. He tested positive for marijuana when he was interviewed.

In view of the seriousness of the allegations, having been found with drugs and a loaded guns on two separate occasions in a three week span of time, having aimed a loaded shotgun at police officers, then having fled attempting to elude and escape, and having been found in possession of drugs on two occasions, there is clear and convincing evidence to establish that Defendant poses a danger to the community. The presumption of detention was not rebutted.

There is no condition or combination of conditions which would assure the safety of the community. Therefore Detention is Ordered.